

REMARKS

Claims 1-7 are pending in the present application.

The Examiner has required election in the present application between Groups I, II and III, as set forth on page 2 of the outstanding Office Action.

For the purpose of examination of the present application, Applicants elect, with traverse, Group I, wherein claims 1-4 are directed to the elected Group and are drawn to the process of preparing the compound of formula I.

Applicants traverse in that there is no undue burden to search the other Groups. The Examiner states that Group I is a mutually exclusive species from that of Groups II-III. Claims 5-7 (also shown as Examples 1-3 in the present specification) are directed to specific compounds. However, claims 1-4 are directed to a method using a compound of formula II (an intermediate), and any consideration of such a formula would also mean consideration of the specific compounds of claims 5-7. The Examiner has also not shown how the intermediates would be used for some other final product, or identified the final product (Office Action, paragraph bridging pages 2-3). Rejoinder is respectfully requested.

Related Application

As the Examiner is presumably fully aware, Applicants note for the record that copending Application No. 10/572,409, which is assigned to the same Examiner, is directed to a method for making quetiapine. It is submitted that the claims of the present application and the related copending application are patentably distinct; however, Applicants want the record to reflect that the Examiner has been advised of the existence of the copending application. Also, an

Information Disclosure Statement is being concurrently filed with this reply that cites the publication of the '409 application.

Conclusion

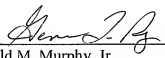
An early and favorable action on the merits of this application is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez, Registration No. 48,501 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: December 3, 2009

Respectfully submitted,

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